



MITCHELL E. DANIELS, JR., *Governor*

JAMAL L. SMITH, *Executive Director*

ICRC No.: HOfs11080502
[REDACTED]

JAMAL L. SMITH, in his official capacity as
EXECUTIVE DIRECTOR of the
INDIANA CIVIL RIGHTS COMMISSION,
Complainant

vs.

[REDACTED],
Respondent.

NOTICE OF FINDING and
ISSUANCE OF CHARGE

The Executive Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Reasonable cause exists to believe that an unlawful discriminatory practice has occurred. Therefore, the Executive Director issues this Charge pursuant to 910 IAC 2-6-6(b).

On August 18, 2011, [REDACTED] filed a complaint with the Commission against [REDACTED] ("Respondent") alleging discrimination on the basis of race, sex, and familial status, in violation of the Indiana Fair Housing Act (IC 22-9.5, et seq), the Indiana Civil Rights Law (IC 22-9, et seq) [REDACTED]. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue before the Commission is whether the [REDACTED] family was denied the ability to rent a dwelling due to [REDACTED] race, sex or the fact that he resides with children under the age of eighteen. [REDACTED] reports that he is an African American male with two children under the age of eighteen. He contacted Respondent to inquire about a two-bedroom unit that was advertised for rent. Respondent told him about the amenities in the unit, but told him that the unit would be too small for his family of four (himself, his fiancé and two children). Respondent has conceded to the investigator that she does limit the occupancy of this two-bedroom unit to no more than three tenants. The bedrooms in this unit are not unusually small and so could accommodate two persons per bedroom. A policy restricting the number of tenants in this unit to three has a greater adverse effect on families with children as compared to those without. Therefore, reasonable cause exists to believe that Respondent may be in violation of the Indiana Fair Housing Act. There is no reasonable cause to believe that Respondent has discriminated on the basis of Mr. Tate's sex or race, however.



As permitted by 910 IAC 2-6-6(h), any party to this complaint may elect to have the claims asserted in this Charge decided in a state court, in lieu of an administrative proceeding under 910 IAC 2-7. Such an election must be made no later than twenty (20) days after service of this Notice. The notice of election must be filed with the Commission and served on the Director, the Respondent and Complainant.

If such an election is not timely made, an administrative hearing of this matter will be scheduled by the Administrative Law Judge. Respondents shall have an opportunity to file an answer to this charge within thirty (30) days of service of this Charge. [REDACTED] **and any other person aggrieved by this alleged discriminatory practice may participate as a party in the hearing by filing a request for intervention.** All discovery in this matter must be completed fifteen (15) days prior to the date of hearing.

If at any time following service of this charge Respondents intends to enter into a contract, sale, encumbrance, or lease with any person regarding the property that is the subject of this charge, Respondents must provide a copy of this charge to the person prior to entering into such contract, sale, encumbrance or lease. 910 IAC 2-7-4(e)(3)

November 17, 2011
Date

Jamal L. Smith
Executive Director
Indiana Civil Rights Commission